

On July 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18335. Misbranding and alleged adulteration of Dr. E. A. Welter's antiseptic tooth powder. U. S. v. 8 Dozen Packages of Dr. E. A. Welter's Antiseptic Tooth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25900. I. S. No. 8136. S. No. 4077.)

Examination of the drug product herein described having shown that the article was represented to be antiseptic, whereas it was not, also that the carton and can labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On February 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 dozen packages of the said Dr. E. A. Welter's antiseptic tooth powder at Memphis, Tenn., alleging that the article had been shipped by the E. A. Welters Tooth Powder Co., from Jacksonville, Fla., on or about October 28, 1930, and had been transported from the State of Florida into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, and small proportions of ammonia alum, and volatile oils including peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard of quality under which it was sold, namely, (carton, can, and circular) "Antiseptic Tooth Powder," since the article was not antiseptic.

Misbranding was alleged for the reason that the following statements on the carton and can labels and in the circular, were false and misleading when applied to an article which was not antiseptic and which was adulterated and misbranded within the meaning of the Federal food and drugs act: (Carton) "Antiseptic Tooth Powder * * * This preparation is not adulterated or misbranded within the meaning of the Pure Food and Drugs Act, June 30th, 1906;" (can and circular) "Antiseptic Tooth Powder." Misbranding was alleged for the further reason that the following statements on the carton, circular, and can, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tender Bleeding Gums Preventing Pyorrhea;" (circular) "Bleeding Gums Danger Signal of Pyorrhea! * * * Dr. Welter's Antiseptic Tooth Powder Heals and Hardens Bleeding Gums. This dentifrice is universally recognized as the most Efficacious Preparation known to dental science for Healing and Hardening Tender and Bleeding Gums. It is Unexcelled for * * * Preventing Pyorrhea. * * * The first symptoms or signs of pyorrhea are 'bleeding' and 'irritated' gums, which should be corrected immediately by consulting a dentist and using Dr. Welter's Antiseptic Tooth Powder, which is specially prepared for Healing and Hardening Bleeding Gums. * * * The enamel is to the teeth what the outer layer of skin is to the body, and when impaired, the 'microorganism' which is commonly known as the 'tooth germ,' enters the tooth, and from this point decay begins. Dr. Welter's Antiseptic Tooth Powder * * * Prevents Decay. * * * The 'cause of decay in teeth' and how to prevent it. * * * By removing the constant germ formation from the teeth by the use of 'Dr. Welter's Antiseptic Tooth Powder,' applied with a good tooth brush, morning, noon and before retiring. * * * Do not wait until you are infected with 'Pyorrhea' before using a preventative. Start using Dr. Welter's Antiseptic Tooth Powder or Paste immediately as a 'Preventative' against the infection of this disease. It is prepared specially for Preventing Pyorrhea, Healing and Hardening Bleeding Gums;" (can) "Bleeding Gums * * * Prevents Pyorrhea * * * For * * * Tender Bleeding Gums, * * * and Preventing Pyorrhea."

On May 12, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation and

forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18336. Misbranding of Chlorax. U. S. v. 9 Bottles of Chlorax. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25841. I. S. No. 8164. S. No. 4065.)

Examination of a drug product, known as Chlorax, from the shipment herein described having shown that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 bottles of Chlorax at Memphis, Tenn., alleging that the article had been shipped by the Chlorine Products Co., from Primos, Pa., on or about August 17, 1929, and had been transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium hypochlorite, lithium chloride, a small proportion of mercuric chloride, a trace of alkaloid, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "An Internal Antiseptic indicated in the treatment of renal, hepatic, gastro-intestinal diseases, diabetes, diphtheria, scarlatina, malaria, etc.;" (circular) "It makes possible the introduction of internal antiseptics into the intestinal canal, and by absorption, into the blood, without fear of irritation or toxic effect. Dosage: * * * Indicated in diphtheria, malaria, diabetes, gastritis, gastric or duodenal ulcer, colitis and intestinal fermentation and putrefaction, also in chronic eczema and psoriasis. In Diabetes Mellitus it efficiently removes and prevents the gastro-intestinal fermentation, production of acids, and resultant acidosis. Given regularly in diabetes cases it usually clears up the gastro-intestinal condition and permits the use of a more liberal diet, as indicated by lack of increase in the sugar output. Directions in Diabetes: * * * must be taken regularly and persistently. * * * In Tuberculous Diathesis, early stages of tuberculosis, and even in established cases, the routine administration * * * is attended with much benefit. * * * Septic Sore Throat, Tonsilitis, ulceration * * * of the mouth, throat or tongue * * * Asthma is often greatly benefitted by * * * As Prophylactic mouth wash or gargle * * * In Mastoiditis it dissolves pus and reduces inflammation. * * * In Dental Work, used as a mouth wash * * * of great value in the treatment of pyorrhea."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18337. Misbranding of Dr. Livingston's Re-Gem. U. S. v. 68 Bottles of Dr. Livingston's Re-Gem. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26217. I. S. No. 27532. S. No. 4444.)

Examination of a drug product from the shipment herein described having shown that the folder and circular accompanying the article contained statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the article was represented to be a vegetable compound, whereas it contained mineral substances, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 bottles of the said Dr. Livingston's Re-Gem, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., on or about February